

ND MISS. FORM P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

PAGE 1

FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

JUN 29 2015
DAVID CREWS, CLERK
BY [Signature] Deputy

Tommy Lee Skinner
Plaintiff

OKOLONA POLICE DEPT. ET AL.
CHIEF WILLIE MOORE
Off. Adam Johnson
Defendant

CASE NO.

[Signature]
1:15CV121-GHD-JMV

PRISONER'S COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:

A. Legal name:

Tommy Lee Skinner

B. Name under which sentenced:

Tommy Lee Skinner

C. Inmate identification number:

48678

D. Plaintiff's mailing address (street or post office box number, city, state, ZIP):

200 East Washington St.
Okolona, Ms 38860

E. Place of confinement:

~~662~~ -

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name:

Off. Adam Johnson

Title (Superintendent, Sheriff, etc.):

Investigator

Defendant's mailing address (street or post office box number, city, state, ZIP)

106 W. MAIN ST.

OKOLONA, MS. 38860

662-447-2484

ND MISS. FORM P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

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Name:

Willie Moore

Title (Superintendent, Sheriff, etc.):

Chief of Police

Defendant's mailing address (street or post office box number, city, state, ZIP)

106 W. MAIN ST.OKOLONA, MS. 38860

Name:

OKOLONA POLICE DEPT.

Title (Superintendent, Sheriff, etc.):

106 W. MAIN ST.

Defendant's mailing address (street or post office box number, city, state, ZIP)

OKOLONA, MS. 38860662-447-2484

Name:

Title (Superintendent, Sheriff, etc.):

Defendant's mailing address (street or post office box number, city, state, ZIP)

(If additional Defendants are named, provide on separate sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court, state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment? ☒ Yes ☒ No
4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

A. Parties to the lawsuit:

Plaintiff(s):

TOMMY LEE SKINNER

Defendant(s):

OKOLONA POLICE DEPT. ET AL

B. Court:

C. Docket No.:

D. Judge's Name:

E. Date suit filed:

F. Date decided:

G. Result (affirmed, reversed, etc.):

5. Is there a prisoner grievance procedure or system in the place of your confinement? ☐ Yes ☒ No
6. If "Yes," did you present to the grievance system the same facts and issues you allege in this complaint? (See question 9, below). ☐ Yes ☐ No
7. If you checked "Yes" in Question 6, answer the following questions:

Special Note: Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

BECAUSE THE SUIT HAS NOTHING TO DO
WITH MY IMPRISONMENT

9. Write below, as briefly as possible, the facts of your case. Describe how each Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

SEE ATTACHMENTS
STATEMENT OF FACTS
C, D, E, F, G.

INTRODUCTION

THIS IS A CIVIL RIGHTS MATTER FILED BY TONY SKINNER FOR DAMAGES RELIEF UNDER THE 4TH AMENDMENT RIGHTS AS STATED IN 42 U.S.C. § 1331 & 1343 UNREASONABLE SEARCH AND SEIZURE AND INVASION OF "PRIVACY" AND WRONGFUL ARREST AND FALSE IMPRISONMENT. From July 15, 2014 Through June 10, 2015 (9 months)

JURISDICTION

THIS COURT HAS JURISDICTION OVER THE PLAINTIFFS CLAIMS OF VIOLATION OF FEDERAL CONSTITUTIONAL RIGHTS UNDER U.S.C. §§ 1331 (1) AND 1343. PLAINTIFF RESPECTFULLY REQUESTS A JURY TRIAL,

THIS COURT HAS SUPPLEMENTAL JURISDICTION OVER THE PLAINTIFF'S STATE IN TORT CLAIMS UNDER 28, U.S.C. § 1367. PLAINTIFF HAS A PENDING STATE CLAIM FOR WRONGFUL ARREST AND FALSE IMPRISONMENT. (9 months)

Parties

- 1) THE PLAINTIFF TOMMY LEE SKINNER.
- 2) DEFENDANT OFFICER ADAM JOHNSON FOR HIS UNREASONABLE SEARCH & SEIZURE, INVASION OF PRIVACY, WRONGFUL ARREST & FALSE IMPRISONMENT WHILE ACTING IN HIS CAPACITY AS A POLICE OFFICER WITH THE OKOLONA POLICE DEPT.
- 3) DEFENDANT WILLIE MOORE, CHIEF OF POLICE, OF THE OKOLONA POLICE DEPT. IN HIS CAPACITY OF OF COMMANDER OF SAID DEPARTMENT.
- 4) OKOLONA POLICE DEPT. IN ITS CAPACITY AS A GOVERNING BODY OF LAW.

FACTS

- 1) ON THE 14TH DAY OF JULY, 2014 THE PLAINTIFF WAS AT HOME ASLEEP ON HIS COUCH. SEE, EX.
- 2) AT ABOUT 7:30 AM OFFICER JOHNSON KNOCKED ON THE PLAINTIFF'S FRONT DOOR. SEE, EX.
- 3) THE PLAINTIFF ANSWERED THE DOOR AND OFFICER JOHNSON STEPPED INTO THE PLAINTIFF'S HOME. SEE, EX
- 4) OFFICER JOHNSON THEN STATED THAT HE WAS INVESTIGATING A POSSIBLE BREAKING AND ENTERING AT THIS ADDRESS, 200, E, WASHINGTON ST, OKOLONA, MS. SEE, EX
- 5) OFFICER JOHNSON AT THAT TIME GAINED THE KNOWLEDGE THAT THERE WAS NO BREAKING AND ENTERING AT THE PLAINTIFF'S HOME, SEE, EX
- 6) OFFICER JOHNSON THEN USED THE ALLEGED BREAKING & ENTERING TO QUESTION THE PLAINTIFF ABOUT ALLEGEDLY KICKING THE DOOR AT ROSS'S LIQUOR STORE. SEE, EX
- 7) THE PLAINTIFF STATED THAT HE KNEW NOTHING ABOUT ANYONE KICKING THE DOOR AT ROSS'S LIQUOR STORE. - C -

FACTS CONTINUED

- 8) OFFICER JOHNSON THEN ASKED THE PLAINTIFF IF HE OWNED ANY GYM SHOES.
- 9) THE PLAINTIFF REPLIED "YES."
- 10) OFFICER JOHNSON THEN INVADDED THE PRIVACY OF THE PLAINTIFF'S HOME UNREASONABLY SEARCHING THE LIVING ROOM CLOSET.
- 11) OFFICER JOHNSON THEN ENTERED THE PLAINTIFF'S BEDROOM AND BEGAN SEARCHING.
- 12) OFFICER JOHNSON THEN OPENED THE BEDROOM CLOSET DOOR AND FOUND A PAIR OF RED & WHITE JORDAN GYM SHOES. SEE EX
- 13) OFFICER JOHNSON REMOVED SAID SHOES FROM CLOSET AND BROUGHT THEM TO THE LIVING ROOM. SEE EX
- 14) OFFICER JOHNSON THEN TOOK OUT HIS CELL PHONE AND PHOTOGRAPHED THE SOLES OF THE GYM SHOES. SEE EX
- 15) PLAINTIFF THEN ASKED IF HE WAS UNDER ARREST, AND IF THE OFFICER HAD A SEARCH WARRANT.

FACT CONTINUED

- 16) OFFICER JOHNSON THEN STATED "NO."
- 17) OFFICER JOHNSON THEN EXITED THE PLAINTIFF'S HOME AND STATED "I'LL SEE YOU LATER" AND HE LEFT.
- 18) ON THE 15TH DAY OF JULY, 2014 OFFICER JOHNSON THEN RETURNED TO THE PLAINTIFF'S HOME AND WRONGFULLY ARRESTED THE PLAINTIFF, WITHOUT PROBABLE CAUSE. SEE EX
- 19) SAID ARREST WAS FOR ATTEMPTING TO COMMIT AN OFFENSE. SEE EX
- 20) OFFICER JOHNSON THEN ENTERED THE PLAINTIFF'S HOME AGAIN AND INVADDED HIS PRIVACY BY ONCE AGAIN SEARCHING AND SEIZING THE GYM SHOES. SEE EX
- 21) OFFICER JOHNSON PLACED SAID GYM SHOES IN A BAG AND TRANSPORTED BOTH THE PLAINTIFF AND THE GYM SHOES TO THE HOUSTON COUNTY JAIL, SEE EX

FACTS CONTINUED

- 22) ON THE 17TH DAY OF JULY, 2014, JUDGE JUDY POSEY BROUGHT THE PLAINTIFF BEFORE HER AND WITNESSED THE ARREST WARRANT FOR THE PLAINTIFF'S ARREST, SEE EX
- 23) SAID ARREST WARRANT WAS ISSUED AFTER THE PLAINTIFF WAS WRONGFULLY ARRESTED WITHOUT PROBABLE CAUSE, ON THE 15TH DAY OF JULY, 2014. SEE EX
- 24) THE PLAINTIFF WAS DENIED THE RIGHT TO SECURE BOND BECAUSE M.D.O.C. PLACED A HOLD ON THE PLAINTIFF. SEE EX
- 25) M.D.O.C. PROBATION & PAROLE OFFICERS THEN VIOLATED THE TERMS OF THE PLAINTIFF'S PROBATION. SEE EX
- 26) UPON THE PLAINTIFF'S COURT HEARING THE JUDGE REVOKED THE PLAINTIFF'S PROBATION AND SENTENCED THE PLAINTIFF TO 3 YEARS IN PRISON. SEE EX
- 27) SAID SENTENCE CAUSED THE PLAINTIFF TO BE FALSELY IMPRISONED FOR (9 MONTHS.) SEE EX
From July 15, 2014 Through June 10, 2015

FACTS CONTINUED

- 28) AS A RESULT OF THE UNREASONABLE SEARCH AND SEIZURE AND INVASION OF PRIVACY BY OFFICER JOHNSON, THE PLAINTIFF SUFFERED WRONGFUL~~LY~~ ARREST AND FALSE IMPRISONMENT. SEE EX.
- 29) IN DIRECT VIOLATION OF CONSTITUTIONAL RIGHTS OF THE 4TH AMENDMENT THAT ALL CITIZENS SHALL BE SECURE IN THEIR HOMES FROM UNREASONABLE SEARCH AND SEIZURE ~~AND~~ INVASION OF PRIVACY. SEE EX
- 30) ALL DEFENDANTS ACTED UNDER THE COLOR OF STATE LAW.

DATE 6-26-15

Tommy D. [Signature]
PLAINTIFFS SIGNATURE

Claims for Relief

CIVIL RIGHTS

- A) THE ACTIONS OF OFFICER JOHNSON BY ENTERING ~~THE HOME,~~ DID "INVADE" THE PLAINTIFFS "PRIVACY" AND UNREASONABLY "SEARCHED" THE PLAINTIFFS "HOME" IN DIRECT VIOLATION OF THE 4th AMENDMENT OF THE U.S. CONSTITUTION U.S.C.A. CONST. AMEND. A: 42 U.S.C.A. § 1983.
- B) THE ACTIONS OF OFFICER JOHNSON BY WRONGFULLY ARRESTING THE PLAINTIFF WITHOUT PROBABLE CAUSE DID CAUSE THE PLAINTIFF TO BE FALSELY IMPRISONED FOR APPROXIMATELY 9 MONTHS IN M.D.O.C. IN DIRECT VIOLATION OF THE 4th AMENDMENT OF THE U.S. CONSTITUTION U.S.C.A. CONST. AMEND. A: 42, U.S.C.A. § 1983. SAID ACTION AROSE OUT OF THE UNREASONABLE SEARCH OF PLAINTIFFS HOME AND INVADING HIS "PRIVACY." CONST. AMEND 4;
- C) THE ACTIONS OF OFFICER JOHNSON IN UNREASONABLY SEARCHING THE PLAINTIFFS HOME IS NOT JUDGED BY THE PROBATIVE VALUE OF THE EVIDENCE UNCOVERED BUT BY THE DEGREE OF THE INVASION. OFFICER JOHNSON'S UNREASONABLE SEARCH OF THE

CLAIMS FOR RELIEF
CONTINUED

PLAINTIFFS LIVING ROOM, LIVING ROOM CLOSET, BEDROOM, & BEDROOM CLOSET DID AGREE & KNOWLY INVADE AND VIOLATED THE PLAINTIFFS 4th AMENDMENT RIGHTS. U.S.C.A, CONST. AMEND 4th. A: 42, USCA, § 1983.

D) THE ACTIONS OF CHIEF WILLIE MOORE IN ALLOWING OFFICER JOHNSON TO UNREASONABLY SEARCH, INVADE THE PLAINTIFF'S PRIVACY AND WRONGFULLY ARREST LEADING TO FALSE IMPRISONMENT DID VIOLATE THE PLAINTIFFS 4th AMENDMENT RIGHTS. OF THE U.S. CONSTITUTION 42, USCA § 1983.

CASE LAW SUPPORTING PLAINTIFFS CLAIMS ARE AS FOLLOWS:

HECTOR V WATT 235 F 3d 154 (2000) KEY 3
SCRIBNER V DILLARD 141 Fed. Appx. 240 (2005) KEY 3
WHIRL V KERN 407 F 2d 781 (1968) KEY 30
MOORE V McDONALD 30 F. 3d 616 (1994) KEY 9

RELIEF REQUESTED

WHEREFORE, PLAINTIFF REQUESTS THAT THE COURT GRANT THE FOLLOWING RELIEF:

- A) ISSUE A DECLARATORY JUDGEMENT STATING THAT:
- 1) THAT THE PLAINTIFF'S HOME WAS UNREASONABLY SEARCHED AND EVIDENCE SEIZED.
 - 2) THAT THE PLAINTIFF'S RIGHT TO PRIVACY WAS INVADED.
 - 3) THAT THE PLAINTIFF WAS WRONGFULLY ARRESTED
 - 4) THAT THE PLAINTIFF WAS FALSELY IMPRISONED.
 - 5) THAT NO PROBABLE CAUSE EXISTED.
- B) ISSUE AN INJUNCTION ORDERING:
- 1) OFFICER JOHNSON WILL NOT BE A PARTY TO ANY LEGAL ACTION CONCERNING THE PLAINTIFF.
 - 2) ISSUE AN INJUNCTIONS AGAINST THE OKOLONA POLICE DEPT. FROM EXACTING RETRIBUTIVE ACTS AGAINST THE PLAINTIFF.
- C) AWARD COMPENSATORY DAMAGES IN THE FOLLOWING AMOUNTS:
- 1) \$500,000.00 JOINTLY AND SEVERALLY AGAINST OFFICER JOHNSON, CHIEF WILLIE MOORE AND THE OKOLONA POLICE DEPT. FOR UNREASONABLE SEARCH & SEIZURE, INVASION OF PRIVACY, WRONGFUL ARREST AND FALSE IMPRISONMENT. (9 months)

10. State briefly exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

SEE ATTACHMENTS
~~SEE ATTACHMENTS~~
J + K

This Complaint was executed at (location): _____

and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

Date:

5/6-26-15

Tommy D. Hunter
Plaintiff's Signature

CERTIFICATE OF SERVICE

This is to certify that I have this date, caused to be mailed, via United States Mail,
postage pre-paid, a true and correct copy of the above and foregoing Pleading to:

UNITED STATES

David Crews, Clerk
U.S. District Court, Clerk's Office
301 W. Commerce St., #13
Aberdeen, MS 39730

OFFICER ADAM JOHNSON

106 W. MAIN ST.

OKOLONA, MISS

38860

662-447-2484

CHIEF OF POLICE

WILLIE MOORE

106 W. MAIN ST.

OKOLONA, MS. 38860

OKOLONA POLICE DEPT.

106 W. MAIN ST.

OKOLONA, MISS

38860

ALL DEFENDANTS AT SAME ADDRESS AND PHONE NUMBER
662-447-2484

SO CERTIFIED, this the 26 day of 6, 2015.

New Address As of
6/10/15

200 E. Washington St
OKOLONA MS 38860

TOMMY SKINNER

Petitioner

48678

MDOC #

MSP UNIT 30A BZONE #186

Address

PARCUMMAN, MS. 38738

Address

Tennie Lee Skinner
200 E Wash. ave
Okolona MS 38860



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